

THIRTY-FIFTH DAY

(Monday, March 11, 1935)

The House met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Stevenson.

The roll was called, and the following members were present:

Mr. Speaker	Head
Adamson	Herzik
Aikin	Hill
Alexander	Hodges
Alsup	Hofheinz
Ash	Holland
Atchison	Hoskins
Beck	Howard
Bergman	Huddleston
Bourne	Hunt
Bradbury	Hunter
Bradford	Hyder
Broyles	Jackson
Burton	James
Butler of Brazos	Jefferson
Butler of Karnes	Jones of Atascosa
Caldwell	Jones of Falls
Calvert	Jones of Runnels
Celaya	Jones of Shelby
Clayton	Jones of Wise
Collins	Knetsch
Colquitt	Lanning
Colson	Latham
Cooper	Lemens
Cowley	Leonard
Craddock	Lindsey
Crossley	Lotief
Daniel	Lucas
Davison of Fisher	Luker
Davisson	Mauritz
of Eastland	McCalla
Dickison	McConnell
Dunagan	McFarland
Dunlap of Hays	McKee
Dunlap of Kleberg	McKinney
Duvall	Moffett
Dwyer	Moore
England	Morris
Fain	Morrison
Farmer	Morse
Fisher	Newton
Fitzwater	Nicholson
Ford	Olsen
Fox	Padgett
Frazer	Palmer
Fuchs	Patterson
Gibson	Payne
Glass	Petsch
Good	Pope
Graves	Quinn
Gray	Reader
Greathouse	Reed of Bowie
Hankamer	Reed of Dallas
Hardin	Riddle
Harris of Dallas	Roach of Angelina
Hartzog	Roach of Hunt

Roark	Tarwater
Roberts	Tennyson
Rogers	Thornton
Russell	Tillery
Rutta	Venable
Scarborough	Waggoner
Settle	Walker
Shofner	Wells
Smith	Westfall
Spears	Wood of Harrison
Steward	Wood of Montague
Stinson	Young
Stovall	Youngblood

Absent—Excused

Adkins	King
Cagle	Lange
Canon	Leath
Davis	Roane
Harris of Archer	Stanfield
Keefe	Worley

A quorum was announced present.

Rev. Geo. W. Coltrin, Chaplain, offered the following invocation:

"We are ever in Thy presence, our Heavenly Father, and Thou knowest us altogether. In our need and insufficiency wilt Thou be pleased to qualify us for all our duties and lead us in their accomplishment, in Thine own way. For Christ's sake. Amen."

LEAVES OF ABSENCE GRANTED

The following members were granted leaves of absence on account of important business:

Mr. King for today, on motion of Mr. Luker.

Mr. Leath for today, on motion of Mr. Russell.

Mr. Cagle for today, on motion of Mr. Jones of Falls.

Mr. Adkins for today, on motion of Mr. Jones of Falls.

Mr. Davis for today, on motion of Mr. Fuchs.

Mr. Lange for today, on motion of Mr. Walker.

Mr. Harris of Archer for today, on motion of Mr. Tennyson.

The following members were granted leaves of absence on account of illness:

Mr. Keefe for today and the balance of the week, on motion of Mr. Lucas.

Mr. Worley for today and the balance of the week, on motion of Mr. Fain.

Mr. Roane for today, on motion of Mr. Cowley.

Mr. Canon for today, on motion of Mr. Hodges.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Petsch:

H. B. No. 770, A bill to be entitled "An Act providing that any member of the State Highway Patrol of the State of Texas is authorized to arrest without warrant any person committing a violation of any of the provisions of House Bill No. 336, Chapter 282, page 507, General Laws, Regular Session, Forty-second Legislature, or any of the motor bus, motor truck, highway, or registration laws, and that any member of the State Highway Patrol shall have authority to weigh a loaded vehicle or an empty vehicle that he has reasons to believe is not properly registered, providing that the constitutionality of any part or parts of this Act shall not affect the validity of the remaining parts thereof, and declaring an emergency."

Referred to Committee on Criminal Jurisprudence.

By Mr. Adamson:

H. B. No. 771, A bill to be entitled "An Act providing for the taking of fish from the fresh waters of Grayson County, Texas, and making it unlawful to take any such fish except by ordinary hook and line or by seine or net, the mesh of which is less than one and one-half inch square; providing that seines and nets may be used only during August, only for propagation purposes under supervision of game warden, etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Adamson:

H. B. No. 772, A bill to be entitled "An Act amending Section 3 of Article 7047b of the Revised Civil Statutes of the State of Texas of 1925, levying a tax of one-fourth ($\frac{1}{4}$) of one cent (1c) for each one thousand (1,000) cubic feet of natural gas produced in this State in the form of an

occupation tax, and declaring an emergency."

Referred to Committee on Revenue and Taxation.

By Mr. Morse:

H. B. No. 773, A bill to be entitled "An Act authorizing the governing body of any incorporated city or town having a population of 290,000 or more, according to the preceding Federal Census, to formulate and devise a pension plan, said pension plan, before becoming effective, to be approved by the qualified electors of such city or town, etc., and declaring an emergency."

Referred to Committee on Municipal and Private Corporations.

By Mr. McConnell:

H. B. No. 774, A bill to be entitled "An Act to permit Mrs. Otice Langham and her son, Gene Langham, both personally and in the capacity of some party as next friend to the said Gene Langham, to sue the State of Texas and the Texas National Guard for injuries the said Gene Langham sustained when he was run down and run over by an army truck and truck of the said Texas National Guard near Mineral Wells, during July, 1930, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. McConnell:

H. B. No. 775, A bill to be entitled "An Act amending Section 8 of Chapter 177 of the General Laws of the Regular Session of the Thirty-ninth Legislature, as amended by Senate Bill No. 56, same being Chapter 35 of the General Laws of the Regular Session of the Fortieth Legislature, which said Section 8, as amended by said Senate Bill No. 56, same being Chapter 35 of the General Laws of the Regular Session of the Fortieth Legislature, as amended by House Bill No. 114, same being Chapter 34, Acts First Called Session of the Fortieth Legislature, making it unlawful for any person to kill, take, or have in his possession for barter or sale within a period of ten years of the passage of this Act, any wild beaver, wild otter, or wild fox, or the pelts thereof, etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Bradbury (by request):

H. B. No. 776, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer for a period of three years in Taylor County, Texas; fixing penalties, and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. Good:

H. B. No. 777, A bill to be entitled "An Act making appropriations to pay miscellaneous claims out of the General Fund; authorizing the payment of certain sums out of the Highway Fund; authorizing payment of said miscellaneous claims on the taking effect of this Act, and declaring an emergency."

Referred to Committee on Claims and Accounts.

By Mr. Jones of Shelby:

H. B. No. 778, A bill to be entitled "An Act prohibiting the use of a steel trap, snare, or deadfall; the taking of the pelt of a fur-bearing animal; the offering for sale the pelt of a fur-bearing animal, or the possession of a fur-bearing animal, dead or alive, in Shelby County for a period of two years following the passage of this Act, etc., and declaring an emergency."

Referred to Committee on Game and Fisheries.

By Mr. McKee:

H. B. No. 779, A bill to be entitled "An Act making available currently the funds now on hand and hereafter accruing to the benefit of the State Department of Agriculture under the terms of the Act of the Regular Session, Forty-third Legislature, Chapter 162, page 433, as amended by the Acts of the Forty-third Legislature, First Called Session, Chapter 10, page 32, providing for the drawing of warrants by the Comptroller and the payment of same by the State Treasurer in accordance with the provisions hereof and with the General Laws, etc., and declaring an emergency."

Referred to Committee on Appropriations.

BILL ORDERED PRINTED

Mr. Spears moved that House Bill No. 245, reported adversely, with a minority favorable report, be printed.

Question recurring on the motion to print the bill, yeas and nays were demanded.

The motion prevailed by the following vote:

Yeas—84

Adamson	Lange
Aikin	Lanning
Alsup	Latham
Ash	Lemens
Beck	Leonard
Bourne	Lindsey
Bradbury	Lotief
Burton	Lucas
Calvert	Luker
Collins	McCalla
Colquitt	McConnell
Craddock	McFarland
Crossley	McKinney
Daniel	Moffett
Davison of Fisher	Morris
Davisson	Morrison
of Eastland	Newton
Dickison	Olsen
England	Padgett
Fain	Patterson
Farmer	Payne
Fisher	Petsch
Ford	Reed of Bowie
Fox	Roach of Angelina
Frazer	Roach of Hunt
Fuchs	Roark
Glass	Roberts
Good	Rogers
Graves	Rutta
Gray	Shofner
Greathouse	Smith
Hardin	Spears
Head	Stovall
Herzik	Tarwater
Hofheinz	Tennyson
Howard	Tillery
Huddleston	Venable
Hunt	Waggoner
Jones of Atascosa	Walker
Jones of Falls	Wood of Harrison
Jones of Shelby	Wood of Montague
Jones of Wise	Youngblood
Knetsch	

Nays—41

Bergman	Duvall
Bradford	Fitzwater
Broyles	Hankamer
Butler of Brazos	Harris of Dallas
Butler of Karnes	Hartzog
Caldwell	Hill
Celaya	Hodges
Clayton	Hoskins
Colson	Hunter
Cooper	Jackson
Cowley	James
Dunagan	Jefferson
Dunlap of Hays	Mauritz
Dunlap of Kleberg	McKee

Moore	Scarborough
Morse	Steward
Pope	Stinson
Quinn	Thornton
Reader	Wells
Reed of Dallas	Young
Russell	

Present—Not Voting

Alexander	Nicholson
Atchison	Riddle
Gibson	Westfall

Absent

Dwyer	Jones of Runnels
Holland	Palmer
Hyder	Settle

Absent—Excused

Adkins	King
Cagle	Leath
Canon	Roane
Davis	Stanfield
Harris of Archer	Worley
Keefe	

Paired

Mr. Alexander (present), who would vote "nay," with Mr. Davis (absent), who would vote "yea."

Mr. Nicholson (present), who would vote "nay," with Mr. Adkins (absent), who would vote "yea."

Mr. Atchison (present), who would vote "yea," with Mr. Canon (absent), who would vote "nay."

Mr. Westfall (present), who would vote "yea," with Mr. Stanfield (absent), who would vote "nay."

Mr. Gibson (present), who would vote "yea," with Mr. Roane (absent), who would vote "nay."

BILLS RE-REFERRED

On motion of Mr. Rutta, House Bill No. 743 was withdrawn from the Committee on Criminal Jurisprudence and referred to the Committee on Revenue and Taxation.

On motion of Mrs. Moore, House Bill No. 736 was withdrawn from the Committee on Liquor Traffic and referred to the Committee on Revenue and Taxation.

On motion of Mr. Hofheinz, House Bill No. 491 was withdrawn from the Committee on State Affairs and referred to the Committee on Labor.

RELATIVE TO RESOLUTION PERIOD

On motion of Mr. Petsch, the House dispensed with the consideration of resolutions at this time.

MESSAGE FROM THE SENATE

Senate Chamber,
Austin, Texas, March 11, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has adopted

S. C. R. No. 24, Inviting General Hugh Johnson to address a Joint Session of the House and Senate on a day suitable to his convenience, during the month of March or April.

Respectfully,

BOB BARKER,
Secretary of the Senate.

BILL SIGNED BY THE SPEAKER

The Speaker signed, in the presence of the House, after giving due notice thereof and its caption had been read, the following enrolled bill:

S. B. No. 90, "An Act providing for the issuance of three million five hundred thousand dollars (\$3,500,000) of Texas Relief Bonds, Fourth Series, under Section 51a, of Article III, of the Constitution of Texas, and declaring an emergency."

HOUSE JOINT RESOLUTION NO. 1 ON SECOND READING

The Speaker laid before the House, as unfinished business,

H. J. R. No. 1, Proposing an amendment to Article XVI, of the Constitution of the State of Texas, by striking out Section 20a to Section 20e, both inclusive; providing for a local option on the question of the sale of intoxicating liquors for beverage purposes; vesting in the Legislature the power to regulate the manufacture, sale, and traffic in intoxicating liquors; providing that intoxicating liquors shall not be manufactured, sold, bartered, or exchanged for beverage purposes in any county or political subdivision wherein the sale of intoxicating liquors had been prohibited by local option elections held under the laws in force at the time of the taking effect of Section 20, Article XVI, of the Constitution of the State of Texas, etc.;

The resolution having heretofore been read second time, with amendment by Mr. Petsch, pending.

On motion of Mr. Morse, by unanimous consent of the House, further

consideration of the resolution was temporarily postponed.

HOUSE BILL NO. 257 ON SECOND READING

On motion of Mr. Padgett, by unanimous consent of the House, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 257, A bill to be entitled "An Act declaring the policy of the Legislature to provide for the general welfare by co-operation with the Federal Government in making effective the provisions of the National Agricultural Adjustment Act and the National Recovery Act within the State of Texas with reference to producers, distributors, and processors of milk and milk products; defining certain terms used in the bill; providing for the submission of code or codes to the milk control board by groups engaged in the milk industry in counties having a population in excess of 77,600 and less than 77,800, according to the Federal Census last preceding the time when said submission is made from said counties for the setting up of a code, codes, or agreements, etc., and declaring an emergency."

The Speaker laid the bill before the House; it was read second time, and was passed to engrossment.

HOUSE BILL NO. 257 ON THIRD READING

Mr. Padgett moved that the constitutional rule, requiring bills to be read on three several days, be suspended, and that House Bill No. 257 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—110

Adamson	Celaya
Ash	Clayton
Atchison	Collins
Beck	Colquitt
Bourne	Colson
Bradbury	Cooper
Bradford	Crossley
Broyles	Daniel
Butler of Brazos	Davisson
Butler of Karnes	of Eastland
Caldwell	Dickison
Calvert	Dunagan

Dunlap of Hays	Moffett
Dwyer	Moore
England	Morris
Fain	Morrison
Fisher	Morse
Ford	Newton
Fox	Nicholson
Frazer	Olsen
Fuchs	Padgett
Gibson	Patterson
Glass	Payne
Graves	Pope
Gray	Quinn
Hankamer	Reader
Harris of Dallas	Reed of Bowie
Head	Reed of Dallas
Herzik	Roach of Angelina
Hill	Roach of Hunt
Hodges	Roark
Hofheinz	Roberts
Hoskins	Russell
Howard	Rutta
Huddleston	Scarborough
Hunt	Settle
Hyder	Shofner
Jackson	Smith
James	Spears
Jefferson	Steward
Jones of Falls	Stinson
Jones of Runnels	Stovall
Jones of Shelby	Tarwater
Jones of Wise	Tennyson
Knetsch	Thornton
Lange	Tillery
Lanning	Venable
Latham	Waggoner
Lemens	Walker
Lotief	Wells
Lucas	Westfall
Luker	Wood of Harrison
Mauritz	Wood of Montague
McCalla	Young
McKee	Youngblood
McKinney	

Nays—6

Aikin	Greathouse
Burton	Lindsey
Farmer	McConnell

Absent

Alexander	Hartzog
Alsup	Holland
Bergman	Hunter
Cowley	Jones of Atascosa
Craddock	Leonard
Davison of Fisher	McFarland
Dunlap of Kleberg	Palmer
Duvall	Petsch
Fitzwater	Riddle
Good	Rogers
Hardin	

Absent—Excused

Adkins	Canon
Cagle	Davis

Harris of Archer
Keefe
King
Leath

Roane
Stanfield
Worley

Walker
Wells
Wood of Harrison

Wood of Montague
Young
Youngblood

Nays—6

The Speaker then laid House Bill No. 257 before the House on its third reading and final passage.

The bill was read third time, and was passed by the following vote:

Yeas—113

Adamson	Jefferson
Alsup	Jones of Falls
Ash	Jones of Runnels
Atchison	Jones of Shelby
Beck	Jones of Wise
Bourne	Knetsch
Bradbury	Lanning
Bradford	Latham
Broyles	Lemens
Butler of Brazos	Leonard
Butler of Karnes	Lotief
Caldwell	Lucas
Calvert	Luker
Celaya	Mauritz
Clayton	McCalla
Collins	McConnell
Colquitt	McFarland
Colson	McKee
Cooper	McKinney
Craddock	Moffett
Crossley	Moore
Daniel	Morris
Davison of Fisher	Morrison
Davisson	Morse
of Eastland	Newton
Dickison	Nicholson
Dunagan	Padgett
Dunlap of Hays	Patterson
Dwyer	Payne
England	Pope
Fain	Quinn
Fisher	Reader
Fitzwater	Reed of Bowie
Ford	Reed of Dallas
Fox	Roach of Angelina
Frazer	Roach of Hunt
Fuchs	Roark
Gibson	Roberts
Glass	Russell
Graves	Rutta
Gray	Scarborough
Hankamer	Settle
Harris of Dallas	Shofner
Head	Smith
Herzik	Spears
Hill	Steward
Hodges	Stinson
Hofheinz	Stovall
Hoskins	Tarwater
Howard	Tennyson
Huddleston	Thornton
Hunt	Tillery
Hyder	Venable
Jackson	Waggoner

Aikin
Burton
Farmer

Greathouse
Lindsey
Westfall

Absent

Alexander	Hunter
Bergman	James
Cowley	Jones of Atascosa
Dunlap of Kleberg	Olsen
Duvall	Palmer
Good	Petsch
Hardin	Riddle
Hartzog	Rogers
Holland	

Absent—Excused

Adkins	King
Cagle	Lange
Canon	Leath
Davis	Roane
Harris of Archer	Stanfield
Keefe	Worley

HOUSE BILL NO. 11 ON SECOND READING

On motion of Mr. Reed of Dallas, by unanimous consent of the House, the regular order of business was suspended to take up and have placed on its second reading and passage to engrossment,

H. B. No. 11, A bill to be entitled "An Act making appropriation for the establishment, operation and maintenance of the Texas Centennial (including the Texas Centennial Central Exposition and other celebrations), for the period beginning February 1, 1935, and ending December 31, 1936; providing that this Act shall supplement the Act passed by the Second Called Session of the Forty-third Legislature creating the Texas Centennial Commission, and that this Act repeal such parts of said former Act as are in direct conflict with it; providing for Centennial celebrations in Texas during 1936 at historical places to be determined by Texas Centennial Commission, etc., and declaring an emergency."

The Speaker laid the bill before the House, and it was read second time.

Question—Shall House Bill No. 11 pass to engrossment?

RELATIVE TO THE CONSIDERATION OF CERTAIN APPROPRIATION BILLS

Mr. Thornton asked unanimous consent of the House that the hour of 11 o'clock a. m., tomorrow, be set aside for the consideration of certain emergency appropriation bills.

There was no objection offered, and it was so ordered.

RECESS

Mr. Lemens moved that the House recess to 10 o'clock a. m., tomorrow.

Mr. Wood of Harrison moved that the House recess to 2 o'clock p. m., today.

Mr. Pope moved that the House recess to 9:30 o'clock a. m., tomorrow.

Mr. Shofner moved that the House recess to 9 o'clock a. m., tomorrow.

Question first recurring on the motion to recess to 2 o'clock p. m., today, yeas and nays were demanded.

The motion was lost by the following vote:

Yeas—59

Adamson	Jones of Wise
Aikin	Lanning
Alsup	Lindsey
Atchison	Lucas
Bergman	Luker
Bourne	McCalla
Bradbury	McFarland
Burton	McKinney
Cowley	Moffett
Craddock	Morris
Crossley	Reed of Bowie
Daniel	Reed of Dallas
Davison of Fisher	Roach of Hunt
England	Roark
Fain	Roberts
Farmer	Rutta
Fisher	Scarborough
Fitzwater	Shofner
Fox	Steward
Fuchs	Stinson
Glass	Tennyson
Greathouse	Thornton
Head	Tillery
Herzik	Venable
Hodges	Waggoner
Hofheinz	Walker
Holland	Westfall
Howard	Wood of Harrison
Jones of Runnels	Wood of Montague
Jones of Shelby	

Nays—68

Alexander	Bradford
Ash	Broyles
Beck	Butler of Brazos

Butler of Karnes	Jones of Falls
Caldwell	Knetsch
Calvert	Lange
Celaya	Latham
Clayton	Lemens
Collins	Leonard
Colquitt	Lotief
Colson	Mauritz
Cooper	McConnell
Davisson	McKee
of Eastland	Moore
Dickison	Morrison
Dunagan	Morse
Dunlap of Kleberg	Newton
Dwyer	Nicholson
Ford	Olsen
Frazer	Palmer
Gibson	Payne
Graves	Pope
Gray	Quinn
Hankamer	Reader
Hardin	Riddle
Harris of Dallas	Rogers
Hartzog	Russell
Hill	Settle
Hoskins	Smith
Huddleston	Spears
Hunter	Stovall
Hyder	Tarwater
Jackson	Young
James	Youngblood
Jefferson	

Absent

Dunlap of Hays	Padgett
Duvall	Patterson
Good	Petsch
Hunt	Roach of Angelina
Jones of Atascosa	Wells

Absent—Excused

Adkins	King
Cagle	Leath
Canon	Roane
Davis	Stanfield
Harris of Archer	Worley
Keefe	

Question next recurring on the motion by Mr. Shofner, it prevailed, and the House, accordingly, at 12:15 o'clock p. m., took recess to 9 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The Committee on Appropriations filed favorable reports on bills, as follows: House Bills Nos. 9, 751, 763, and 779.